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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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USA,

Plaintiff,

7

v.

MOODY,

Defendant.

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Case No. [16-cr-00418-HSG-1](#)

**ORDER DENYING MOTION
REQUESTING PLACEMENT IN
HALFWAY HOUSE, DENYING
REQUEST FOR APPOINTMENT OF
COUNSEL, AND WAIVING DOCKET
FEE**

Re: Dkt. Nos. 80, 81

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Having reviewed and considered Defendant's motion, dated May 13, 2019, requesting placement in a halfway house under 18 U.S.C. § 3582, the Court denies the motion. *See* Dkt. No. 81. Based on Defendant's offenses of conviction and the underlying facts, as well as her criminal history and all other facts in the record, the Court finds that the requested placement is unwarranted. Nor has Defendant demonstrated that she has "fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant's behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant's facility," as is required under Section 3582(c)(1)(A) for a defendant to bring a motion for modification of a term of imprisonment once it has been imposed.¹

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¹ In a filing dated May 24, 2019, the Office of the Federal Public Defender notified the Court that the instant motion does not fall within the purview of Miscellaneous Order 2019.01.25, which sets out a procedure for assessing potential eligibility for sentencing reductions under the First Step Act. *See* Dkt. No. 82.

1 Having also reviewed and considered Defendant's letter requesting appointment of counsel
2 and waiver of the docket fee for her appeal, dated April 10, 2019, the Court denies the request for
3 counsel but waives the docket fee. *See* Dkt. No. 80. As the Court explained when it denied
4 Defendant's last request for counsel, the Court will appoint counsel on its own motion if an
5 evidentiary hearing is later required. *See* Dkt. No. 67. But given that Defendant is incarcerated
6 and represents that she has no outside financial assistance, the Court finds she is unable to pay the
7 docket fee for her appeal and thus waives the fee.

8 **IT IS SO ORDERED.**

9 Dated: 6/26/2019

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12 HAYWOOD S. GILLIAM, JR.
13 United States District Judge
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